



2009-015

STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

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Honorable Cynthia Dillard
Executive Director
Board of Pardons and Paroles
State Criminal Justice Center
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Post Office Box 302405
Montgomery, Alabama 36130-2405

Pardons and Paroles - Indigents -
Medicine - Fees

The Alabama Board of Pardons and
Paroles may not use a supervision
fee to recover medical costs incurred
at transition centers by parolees.

Dear Mrs. Dillard:

This opinion of the Attorney General is issued in response to your
request.

QUESTION

May the Alabama Board of Pardons and
Paroles ("Board") collect medical expenses paid
by the state on behalf of indigent transition cen-
ter residents, while assigned to the centers, as
part of their supervision fees on completion of
the center program?

FACTS AND ANALYSIS

This Office has stated that the Alabama Board of Pardons and
Paroles may purchase medications for indigent "transition center" resi-
dents. Opinion to Honorable William C. Segrest, Executive Director,
Board of Pardons and Paroles, dated January 31, 2005, A.G. No. 2005-
061. You question whether the Board may recover these costs in a super-
vision fee when a parolee is released from a center.

Section 15-22-30 of the Code of Alabama authorizes the Board to operate transition centers and specifically addresses the charges associated with residing there. ALA. CODE § 15-22-30 (1995). It states as follows:

(a) The State Board of Pardons and Paroles is authorized to charge each parolee resident of a community residential facility a monthly amount for *room and board* which shall not exceed 25 percent of the adjusted gross monthly income of the parolee; provided, that under hardship circumstances such charge may be waived for a parolee resident upon written recommendation by the director of the facility.

(b) The proceeds from any charges collected under the provisions of this section shall be paid into the State Treasury to the credit of the General Fund and shall be used exclusively for funding the community residential facilities program of the State Board of Pardons and Paroles.

(c) The State Board of Pardons and Paroles is hereby authorized to promulgate and effect all rules and regulations necessary to implement the provisions of this section.

Id. (emphasis added).

Under the well-established rules of statutory construction, words used in a statute must be given their natural, plain, ordinary, and commonly understood meaning, and where plain language is used, a court is bound to interpret that language to mean exactly what it says. *Ex parte Cove Properties, Inc.*, 796 So. 2d 331, 333-34 (Ala. 2000); *Ex parte T.B.*, 698 So. 2d 127, 130 (Ala. 1997); *State Dep't of Transp. v. McLelland*, 639 So. 2d 1370, 1371 (Ala. 1994). Webster's Third New International Dictionary defines "room and board" as "lodging and food." WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY 1972 (2002). Where a statute enumerates certain things on which it is to operate, the statute must be construed to exclude all things not expressly mentioned. *Ex parte Holladay*, 466 So. 2d 956, 960 (Ala. 1985). The statute limits the Board's authority to charge residents to room and board and does not include medical costs.

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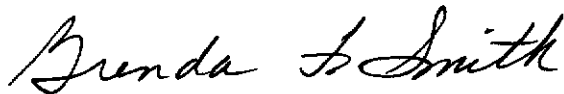
CONCLUSION

The Alabama Board of Pardons and Paroles may not use a supervision fee to recover medical costs incurred at transition centers by parolees.

I hope this opinion answers your question. If this Office can be of further assistance, please contact Ward Beeson of my staff.

Sincerely,

TROY KING
Attorney General
By:

A handwritten signature in cursive script, reading "Brenda F. Smith".

BRENDA F. SMITH
Chief, Opinions Division

TK/GWB

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